

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

MARC SCOTT SILVERBERG,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No.2:09CV119-P-S
)	
BOYD TUNICA, INC., A)	
Mississippi Corporation,)	
d/b/a Sam's Town Hotel and)	
Gambling Hall)	
)	
Defendant.)	

ORDER

Before the court is Defendant Boyd Tunica, Inc.'s motion to stay discovery pending a ruling on the defendant's motion to dismiss (# 32). In support of this motion the defendant states that it has filed a motion to dismiss this action based upon a discovery violation committed by the plaintiff. Further, in support of the urgency of this motion, the defendant points out that six depositions are scheduled in this case within the next few days.

First, the filing of a motion to dismiss does not warrant an order staying proceedings in all cases. Second, while the court is certainly sensitive to the defendant's interest in avoiding unnecessary litigation costs, the court finds that under the circumstances, this interest does not outweigh the plaintiff's and the court's interests in an expeditious resolution of this case. It is apparent that the defendant is chiefly concerned

about incurring *possibly* unnecessary expenses associated with the upcoming depositions. However, as the defendant points out in its motion, the parties have nearly two months to complete discovery before the discovery deadline expires. Accordingly, continuing the upcoming depositions may prove to be a better alternative under the circumstances. The court is confident that the parties will be able to reach an amicable agreement in this regard.

Therefore, IT IS ORDERED that the defendant's motion to stay is hereby DENIED.

SO ORDERED this the 26th day of May, 2010.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE